

REMARKS

Applicants respectfully request reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional fee is required for this Amendment as the number of independent claims has not changed, and the total number of claims is less than originally filed.

Amendment to the Claims

Applicants amended Claims 1, 15, and 27 to recite the apparent elastic band includes at least one elastomeric filament. Support for this Amendment can be found, for example, at page 8, last paragraph; page 29, last paragraph; and FIGS. 5-8. No new matter has been added to the claims by this Amendment.

Claim Rejections - 35 U.S.C. §102

The rejection of Claims 1-12, 15-24, and 27-37 under 35 U.S.C. §102(b) as anticipated by Mathis et al., U.S. Patent 5,680,653, is respectfully traversed.

Amended independent Claims 1, 15, and 27 recite the apparent elastic band includes at least one elastomeric filament. The Mathis Patent does not disclose or suggest an elastic band including an elastomeric filament. The Mathis Patent discloses an elastic laminate having a stretchable layer secured to an elastic film

(Abstract, Col. 2, lines 46-48). As the Mathis Patent does not disclose elastomeric filaments, the Mathis Patent does not anticipate Applicants' claimed invention.

Claim Rejections - 35 U.S.C. §103

The rejection of Claims 13, 14, 25, and 26 under 35 U.S.C. §103(a) as being unpatentable over Mathis et al., U.S. Patent 5,680,653, is respectfully traversed. Claims 13, 14, 25, and 26 depend from one of amended independent Claims 1 and 15, respectively, and are thus patentable for at least the same reasons discussed above.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Serial No.: 09/855,196

Docket No.: KCC-14,944

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Swanson', with a horizontal line extending to the right.

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